UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/006,067 | 12/06/2001 | Davide Mandato | 282665US8X | 9049 |

22850        7590        07/08/2008
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

| EXAMINER |
|---|
| BATURAY, ALICIA |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2146 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 07/08/2008 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

| | **Application No.** | **Applicant(s)** |
|---|---|---|
| ***Advisory Action***<br>***Before the Filing of an Appeal Brief*** | *10/006,067* | MANDATO ET AL. |
| | **Examiner** | **Art Unit** | |
| | Alicia Baturay | 2146 | |

### *--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

THE REPLY FILED <u>06 May 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒   The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐   The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

        Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

       NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *None*.

   Claim(s) objected to: *None*.

   Claim(s) rejected: *24 and 27-47*.

   Claim(s) withdrawn from consideration: *None*.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

   /Jeffrey Pwu/
   Supervisory Patent Examiner, Art Unit 2146

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Continuation of 11. does NOT place the application in condition for allowance because:

Applicant Argues: Jørgensen does not describe or suggest the hierarchical finite state machine. For instance, Jørgensen does not use the term "hierarchical FSM" which is the one and only accepted scientific term for a hierarchical finite state machine.

In Response: The examiner respectfully submits that the Authoritative Dictionary of IEEE Standards Terms, Seventh Edition defines "Finite State Machine" as "a computational model consisting of a finite number of states and transitions between those states, possibly with accompanying actions."

Jørgensen teaches a TransportBean that consists of two nested component types, namely the RoutingBean and the ReliabilityBean.

The RoutingBean is responsible for selecting the underlying network technology. Depending on the type of remote method invocation that has to be sent over the network, a specific RoutingBean instance will be chosen. The cases discussed in this example are handled by the FirewireRoutingBean and the EthernetRoutingBean component instances, respectively.

The ReliabilityBean manages acknowledgements and retransmissions, which have a strong impact on the ability of the TransportBean to provide QoS. A specific ReliabilityBean instance is chosen depending on the properties of the object invocation at hand. The cases discussed in this example are handled by the PrefernextReliabilityBean and the NormalReliabilityBean component instances, respectively.

The RoutingBean and ReliabilityBean each have a finite number of states they can choose from and different events that cause each of these states to be enacted. The RoutingBean can only select from as many beans as there are network technologies that are enabled, such as FirewireRoutingBean or EthernetRoutingBean. And the ReliabilityBean can only choose from as many beans as have been built for acknowledgements and retransmissions, such as PrefernextReliabilityBean or NormalReliabilityBean. Thus the RoutingBean and ReliabilityBean are functionally equivalent to finite state machines.

Additionally, an ORB component (TransportBean) is itself built from components (RoutingBean and ReliabilityBean). This represents a hierarchy with the TransportBean at the top and the RoutingBean and ReliabilityBean making up the TransportBean and thus below it in the hierarchy.

Applicant Argues: Jørgensen does not describe or suggest a user specific component or a session specific component.

In Response: The examiner respectfully submits that Jørgensen teaches a user specific component (the designers of the TransportBean have to determine which non-functional concerns they will support - see Jørgensen, page 158, line 6) and a session specific component (ChannelBean is responsible for session management between address spaces - see Jørgensen, page 150, ChannelBean).

Applicant Argues: Jørgensen does not mention streams in any way, let alone a set of streams belonging to a user, an application and a session.

In Response: The examiner respectfully submits that the rejection of claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zinky et al. (U.S. 6,480,879) in view of Neureiter et al. ("The BRAIN Quality of Service Architecture for Adaptable Services with Mobility Support") in view of Baugher (U.S. 5,644,715) and further in view of Jørgensen et al. ("Customization of Object Request Brokers by Application Specific Policies"). Therefore, the examiner respectfully submits that Zinky teaches a set of streams belonging to a user (multimedia applications, such as video-on-demand. QoS refers to specific system performance requirements, such as the amount of a specific resource or group of resources devoted to satisfying a client (or caller) application's request).